

Matthew B. Lehr (Bar No. 213139)
 Diem-Suong T. Nguyen (Bar No. 237557)
 David J. Lisson (Bar No. 250994)
 Chung G. Suh (Bar No. 244889)
 Jeremy Brodsky (Bar No. 257674)
 DAVIS POLK & WARDWELL LLP
 1600 El Camino Real
 Menlo Park, California 94025
 Telephone: (650) 752-2000
 Facsimile: (650) 752-2111

Attorneys for Plaintiff Tyco Healthcare Group
 LP d/b/a VNUS Medical Technologies

[Additional counsel on signature page]

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

TYCO HEALTHCARE GROUP LP d/b/a
 VNUS MEDICAL TECHNOLOGIES,

Plaintiff,

v.

BIOLITEC, INC., and NEW STAR LASERS,
 INC. d/b/a COOLTOUCH, INC.,

Defendants.

LEAD CASE NO. C08-03129 MMC

CASE NO. C08-03129 MMC

**STIPULATION AND ~~PROPOSED~~
 ORDER SETTING BRIEFING
 SCHEDULE FOR VNUS'S MOTION
 FOR SUMMARY JUDGMENT OF NO
 INEQUITABLE CONDUCT**

Judge: The Honorable Maxine M. Chesney

TYCO HEALTHCARE GROUP LP d/b/a
 VNUS MEDICAL TECHNOLOGIES,

Plaintiff,

v.

TOTAL VEIN SOLUTIONS, LLC d/b/a
 TOTAL VEIN SYSTEMS,

Defendant.

CASE NO. C08-04234 MMC

(consolidated with C08-03129 MMC)

1 WHEREAS the Court conducted a post-trial status conference in this case on June 10,
2 2011, and ordered the parties to submit a stipulation and order setting a briefing schedule for
3 VNUS's motion for summary judgment on defendants' inequitable conduct counterclaims (D.I.
4 456);

5 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED between the
6 undersigned parties, subject to approval of the Court, that:

7 1) VNUS's motion for summary judgment on defendants' inequitable conduct
8 counterclaims shall be filed no later than July 29, 2011, and a hearing on the motion shall be
9 noticed for September 9, 2011;

10 2) Defendants' opposition brief shall be filed no later than August 12, 2011; and

11 3) VNUS's reply brief shall be filed no later than August 19, 2011.

12
13 Dated: June 16, 2011

DAVIS POLK & WARDWELL LLP

14
15 /s/ Matthew B. Lehr

16 Matthew B. Lehr (Bar No. 213139)
17 Suong T. Nguyen (Bar No. 237557)
18 David J. Lisson (Bar No. 250994)
19 Chung G. Suh (Bar No. 244889)
20 Jeremy Brodsky (Bar No. 257674)
21 1600 El Camino Real
22 Menlo Park, CA 94025
23 (650) 752-2000 / (650) 752-2111
24 matthew.lehr@davispolk.com
25 suong.nguyen@davispolk.com
26 david.lisson@davispolk.com
27 chung.suh@davispolk.com
28 jeremy.brodsky@davispolk.com

Attorneys for Plaintiff
Tyco Healthcare Group LP d/b/a
VNUS Medical Technologies

1 Dated: June 16, 2011

WOLF, GREENFIELD & SACKS, P.C.

2
3 /s/ Michael N. Rader

Michael N. Rader (*pro hac vice*)

4 Allen S. Rugg (*pro hac vice*)

Charles T. Steenburg (*pro hac vice*)

5 600 Atlantic Avenue

Boston, MA 02210

6 (617) 646-8000 / (617) 646-8646

7 malbert@wolfgreenfield.com

8 mrader@wolfgreenfield.com

csteenburg@wolfgreenfield.com

9 Attorneys for Defendant biolitec, Inc.

10 Dated: June 16, 2011

BUCHE & ASSOCIATES, P.C.

11
12 /s/ John Karl Buche

John Karl Buche (Bar No. 239477)

13 Sean M. Sullivan (Bar No. 254372)

14 875 Prospect, Suite 305

La Jolla, CA 92037

15 (858) 812-2840 / (858) 459-9120

16 jkbuche@westerniplaw.com

sean@westerniplaw.com

17 Dwayne L. Mason (*pro hac vice*)

18 GREENBERG TRAURIG LLP

1000 Louisiana Street

19 Suite 1700

Houston, TX 77002

20 (713) 374-3500 / (713) 374-3505 (fax)

21 masondl@gtlaw.com

22 Attorneys for Defendant

Total Vein Solutions, LLC d/b/a Total Vein

23 Systems

24 //

25 //

26 //

27

28

Pursuant to General Order No. 45, I hereby attest that I have concurrence to file this joint stipulation and statement from all parties whose signatures are indicated by a “conformed” signature (/s/) within this e-filed document.

Dated: June 16, 2011

/s/ Chung G. Suh

Chung G. Suh

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: June 17, 2011


HON. MAXINE M. CHESNEY, U.S.D.